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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,596	06/13/2002	Dean Anthony Miles	1054-751-198-1516	6453

29074 7590 11/01/2005
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EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,596

Applicant(s)

MILES ET AL.

Examiner

Michael V. Battaglia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-8 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-12 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2002 and 11 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 12 are rejected under 35 U.S.C. 102(b) as anticipated by Enari et al (hereafter Enari) (US 5,010,534) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Enari in view of Kojima et al (hereafter Kojima) (US 6,262,554).

In regard to claim 1, Enari discloses an optical media system (Fig. 8 and Col. 7, lines 44-48) comprising: an optical pickup (Figs. 8 and 9, element 16) for reading from and/or writing to an optical storage medium (Figs. 1, 8 and 9, element 1), the optical pickup having one or more sources of light (Fig. 8, element 11), an objective lens (Fig. 8, element 14), a focus and/or tracking actuator (Fig. 8, elements 21, 28 and the element(s) (not shown) driven by 23 and 24 (Col. 3, lines 55-59)) for moving the lens to focus and/or track the light on the optical medium and mechanical limits to limit the focus and/or tracking movement of the lens (the focus and/or tracking actuator of Fig. 8 is a mechanical device and inherently has mechanical limits to limit the focus and/or tracking movement of the lens because the actuator can not move the lens infinitely in focusing and/or tracking direction), the optical pickup configured to be moved to a

park position (Fig. 1, element 5 and Fig. 9, element 6) when not in operation (Col. 7, lines 59-67 and Col. 8, lines 4-6); and an actuator controller (Fig. 8, elements 23-27) for controlling the actuator and hence the focus and/or tracking position of the lens, the actuator controller configured to actively control the lens position via a magnetic field (lens position is controlled by the actuator controller to the park position via a stepper motor (Fig. 8, element 28) and inherently via a magnetic field because stepper motors actuate using a magnetic field generated by energized coils (see Citation of Relevant Prior Art below)) when the optical pickup is moved to the park position when not in operation (Col. 7, lines 59-67). It is noted that the actuator controller is claimed as being "configured to actively control the lens position . . . when the optical pickup is moved to the park position when not in operation." The actuator controller's claimed active controlling of the lens position is interpreted as being limited to the time when the optical pickup is not in operation and when the optical pickup is moved to the park position. The actuator controller of Enari actively controls the lens position when the optical pickup is moved to the park position when not in operation because the actuator controller of Enari activates the stepper motor to move the optical pickup to the park position after completion of operation (Col. 7, lines 59-67). It is further noted that if a stepper motor does not inherently actuate using a magnetic field, then doing so would be obvious.

Kojima discloses a stepper motor (Fig. 1, element 10) that actuates using a magnetic field (Col. 7, lines 38-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the stepper motor of Enari to actuate using a magnetic field as suggested

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by Kojima, the motivation being for the stepper motor of Enari to actuate in a manner known in the art for stepper motors.

In regard to claim to 2, Enari discloses that the optical pickup is moved to a park position away from the optical medium when not used with such an optical medium (Abstract and Fig. 1, element 5).

In regard to claim 12, Enari discloses that the optical media system is mounted in a vehicle (Fig. 4) and wherein the actuator controller actively controls the focus and/or tracking position of the lens when the vehicle is moving (Col. 3, lines 53-65). It is noted that the movement of the vehicle is relative to the optical medium and that the device of Fig. 4 is a vehicle because it transports or moves the optical media system relative to the optical medium.

Citation of Relevant Prior Art

2. Aiello (4,652,806) (Fig. 1, element 10 and Col. 2, line 52-Col. 3, line 25) and Ueda et al (US 4,841,214) (Fig. 1, element 18 and Col. 3, lines 9-16) disclose stepper motors using magnetic fields to actuate.

Allowable Subject Matter

3. Claims 3-8 are allowable for the reasons set forth in the previous Office action.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2 and 12 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed August 11, 2005

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with respect to Enari have been fully considered but they are not persuasive. Applicant argues that Enari fails to disclose an actuator controller configured to actively control the position via a magnetic field when the optical pickup is moved to the park position. However, it is noted that the actuator controller is claimed as being “configured to actively control the lens position via a magnetic field when the optical pickup is moved to the park position when not in operation.” As a result, the actuator controller’s claimed active controlling of the lens position via a magnetic field is interpreted as being limited to the time when the optical pickup is not in operation and when the optical pickup is moved to the park position and not to the time after the optical pickup has moved to the park position. As noted above, the magnetic field is either inherent to the stepper motor or obvious in view of Kojima. When the optical pickup is moved to the park position, the optical pickup is moving to the park position. The actuator controller of Enari actively controls the lens position when the optical pickup is moved to the park position when not in operation because the actuator controller of Enari activates the stepper motor to move the optical pickup to the park position after completion of operation (Col. 7, lines 59-67). It is also noted that even if the claim were amended to require active control of the lens position **while** the optical head is in the park position, the actuator controller of Enari actively controls the lens position while the optical head is in the park position by actively not activating the stepper motor after the optical pickup has been moved to the park position until the restart of optical pickup operation and the actuator controller then activates the stepper motor to move from the park position (Col. 7, line 59-Col. 8, line 3).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Battaglia whose telephone number is (571) 272-7568. The examiner can normally be reached on M-F, 8:30-5:00.

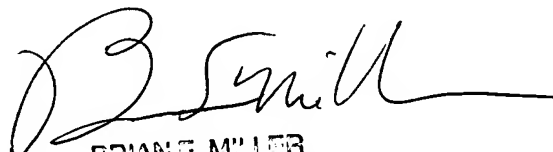
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Battaglia



BRIAN E. MILLER
PRIMARY EXAMINER